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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/634,500

08/05/2003

Marie B. O'Regan

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EXAMINER

HINES, ANNE M

ART UNIT

PAPER NUMBER

2879

NOTIFICATION DATE

DELIVERY MODE

06/13/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

Office Action Summary	Application No. 10/634,500	Applicant(s) O'REGAN ET AL.	
	Examiner ANNE M. HINES	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/17/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on March 17, 2008, has been entered and acknowledged by the Examiner.

Claims 1-12 are pending in the instant application.

Priority

The instant application claims priority from provisional applications 60/462217, filed April 11, 2003, and 60/401257, filed August 6, 2002. Upon review of the provisional applications with regard to the claimed invention of independent claim 1, the Examiner finds that the claimed invention of claim 1 is not disclosed in provisional application 60/401257; specifically this provisional application fails to disclose three adjacent layers of transparent polymer, wherein the laminated polymer is flexible, and each pair of adjacent layers is separated by a transparent solid non-glass interlayer or an air-cavity containing a device. The Examiner finds that the claimed invention of independent claim 1 is disclosed by provisional application 60/462217. Therefore, the effective filing date of claims 1-12 is April 11, 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2879

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels (US 6876143).

Regarding claim 1, Daniels discloses a laminated polymer comprised of at least three adjacent layers of transparent polymer, wherein the laminated polymer is flexible and can be adapted to various shapes and forms (Fig. 21, 24; Column 7, lines 58-59; Column 10, lines 15-18; Column 25, line 60; Column 2, lines 14-16; Column 14, lines 48-58), wherein each pair of adjacent layers is separated by a solid non-glass interlayer (Fig. 21, 12; Column 17, lines 38-43; Column 14, lines 48-58) containing at least one element from the group consisting of solid state lighting, heat sensors, light sensors, pressure sensors, thin film capacitance sensors, photovoltaic cells, thin film batteries, liquid crystal display films, suspended particle device films, and transparent electrical conductors (Fig. 21, 'OLED').

Regarding claim 2, Daniels further discloses wherein the laminated polymer has three layers of transparent polymer with adjacent layers of a transparent polymer separated by a transparent solid non-glass interlayer (Fig. 21, 24 & 12; Column 17, lines 38-43; Column 14, lines 48-58).

Regarding claim 3, Daniels further discloses wherein at least one of the devices comprises solid state lighting (Fig. 21, 'OLED').

Regarding claim 4, Daniels further discloses wherein the solid state lighting is in the form of a light emitting diode (Fig. 21, 'OLED').

Regarding claim 5, Daniels further discloses wherein the solid state lighting is an organic light emitting diode (Fig. 21, 'OLED').

Regarding claim 6, Daniels further discloses wherein the solid state lighting is in the form of an electroluminescent film (Fig. 21, 'OLED').

Regarding claim 7, Daniels further discloses wherein at least one of the devices further comprises transparent electrical conductors to provide means to apply an activating voltage to the solid state lighting (Column 2, line 66 to Column 3, line 1).

Regarding claim 9, Daniels further discloses wherein the at least one device further comprises a microprocessor chip that is programmed to control the solid state lighting to cause it to display a sequence of images (Fig. 1; Column 10, lines 43-67).

Regarding claim 10, Daniels further discloses wherein the microprocessor chip is programmed to cause the solid state lighting to display text (Fig. 1; Column 10, lines 43-67).

Regarding claim 11, Daniels further discloses wherein there is provided externally to the laminated polymer a microprocessor chip that is programmed to control the solid state lighting and to cause the solid state lighting to display a sequence of images (Fig. 1; Column 10, lines 43-67).

Regarding claim 12, Daniels further discloses wherein the microprocessor chip is programmed to cause the solid state lighting to display text (Fig. 1; Column 10, lines 43-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (US 6876143) in view of Forrest et al. (US 6198091).

Regarding claim 8, Daniels teaches the invention of claim 7, including wherein the electrical conductors are transparent, but is silent regarding the material of the transparent conductors.

In the same field of endeavor of OLED devices with transparent conductors, Forrest teaches wherein a transparent conductor for an OLED is ITO in order to provide an electrode that is transparent to visible light and has a good conductivity (Column 5, lines 20-36).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Daniels to have the transparent electrodes be ITO in order to provide an electrode that is transparent to visible light and has a good conductivity, as disclosed by Forrest.

Response to Arguments

Applicant's arguments filed March 17, 2008 have been fully considered but they are not persuasive.

With respect to priority document US Provisional Application 60/401257 (the '257 application), Applicant's argue that the '257 application does disclose the invention claimed in claim 1 and that, therefore, the filing date of the '257 application should be the effective filing date of the instant application. As evidence, Applicant cites several excerpts from the specification of the '257 application and asserts that these provide disclosure of the invention claimed in claim 1 of the instant application.

Specifically, with regard to the "three adjacent layers of transparent polymer, wherein the laminated polymer is flexible, and each pair of adjacent layers is separated by a transparent solid non-glass interlayer or an air-cavity containing a device" which the Examiner asserts is not disclosed by the '257 application, Applicant, for example, cites the passage "there can be additional layers...to function as protective layers"; "The choice of materials...is...determined by...providing an illumination device with high device efficiency" (Page 4, lines 5-15 of '257 application) as disclosure of the claim 1 requirement for "at least three adjacent layers of transparent polymer"; this cited passage does not sufficiently disclose the claim 1 requirement of "at least three adjacent layers of transparent polymer" because there is no disclosure that three adjacent polymer layers are transparent as required by claim 1. In order for the instant non-provisional application to be afforded the priority date of the provisional application ('257 application) under 35 U.S.C. §119(e) the specification of the provisional must contain a written description of the invention and the manner and process of making and using it, in such full, clear, concise, and exact terms to enable an ordinarily skilled artisan to practice the invention claimed in the non-provisional application, as required

by 35 U.S.C. §112, paragraph 1 (See MPEP 201.11). The '257 application does not contain a full, clear, and concise description in exact terms of the invention claimed in instant application claim 1, therefore, the filing date of the '257 application is not granted for the instant application. The effective filing date of the instant application remains as April 11, 2003.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anne M Hines/
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/Nimeshkumar Patel/
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